IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1112 OF 2006

IN

APPEAL FROM ORDER No. 808 oof 2006

Andheri Tap Village Sabarmathi Co-op
Housing Society ltd .. Applicant

versus

M/s.Truly Creative Developers Pvt.Ltd
and anr. .. Respondents

...

Mr.V.A. Sugdare for the applicant.
Mr.G.N.Salunke for respondent no.1.
None for respondent no.2..

CORAM : D.G. KARNIK, J

DATED : 30th November 2006

P.C.:

1. Heard learned counsel for the applicant.

2. Learned counsel for the applicant prays for stay of the operation injunction. Granting of a stay of operation of injunction would amount to virtually allowing the appeal. If the injunction is stayed, the applicant society may remove the respondent and carry out the construction before hearing of the appeal on merits which in my view cannot be done. Hence, the Civil Application is disposed of.

(D.G. KARNIK, J)